

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, July 12, 2016
6:30 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Vice Mayor Mark Brown called the meeting to order at 6:30 p.m. Also present were Commissioner Alfred "Buz" Oldaker, Commissioner Elliot Sokolow, Commissioner Chris Vincent, Town Manager Bud Bentley, Assistant Town Manager Tony Bryan, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Lisa Fuentes, Municipal Services Director Don Prince, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Chaz Stevens gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to excuse Mayor Sasser's absence. Motion carried 4-0.

5. PRESENTATIONS

None.

6. PUBLIC COMMENTS

At this time Vice Mayor Brown opened public comment, which he closed upon receiving no input.

7. PUBLIC SAFETY DISCUSSION

a. BSO June 2016 Report (Captain Fred Wood)

Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to approve. Motion carried 4-0.

8. TOWN MANAGER REPORT

a. Town Manager Report (Bud Bentley, Town Manager)

Town Manager Bud Bentley advised that Town Staff has met with representatives of both the Broward Metropolitan Planning Organization (MPO) and the Florida Department of Transportation (FDOT) regarding the planned El Mar Greenway. The project's design phase is included in the Broward MPO's 2017 Transportation Plan for \$180,000 in funding. The project will not be included in the FDOT construction budget until the design phase has been completed.

Town Manager Bentley noted that there are strict guidelines regarding how federal funds may be used on projects. FDOT has been asked to select a design consultant for the Greenway as soon as possible so the Town may work through these issues with the consultant.

Vice Mayor Brown advised that multiple levels of government, each with its own requirements and regulations, will be involved in the creation of the El Mar Greenway. The estimated time frame of the project is five to six years. Vice Mayor Brown noted that he has been successfully working on getting that time frame moved up. The Town is currently in MPO's and FDOT's plans. The engineering and design funds have been approved. He also noted that it may be beneficial for the Town to hire its own consultant for the design phase of the project, which is considered small by governmental standards. Construction is expected to start in 2018.

b. Chamber of Commerce Welcome Center June Statistics Report (Tedra Smith, Town Clerk)

The Commissioners accepted the report without discussion.

c. New Walking Map – Updates and Distribution (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime presented the Town's new walking map, which is intended for use by both residents and visitors. The updated map includes new businesses and highlights the Town's plazas and marine sculptures. The maps are available at the Welcome Center, local hotels and businesses, at the buoys and parking stations. They will be produced in limited batches in order to include new businesses.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. June 28, 2016 Town Commission Meeting (Tedra Smith, Town Clerk)

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 4-0.

11. CONSENT AGENDA

a. Turtle Friendly Bollard Lighting Award (Don Prince, Municipal Services Director)

Vice Mayor Brown clarified that the bollards to which the Item refers are located at beach access points from Pine Avenue to Palm Avenue. There are currently no bollards north of Pine Avenue, although Municipal Services Director Don Prince confirmed that Town Staff could explore the option of placing bollards at these beach access points in the future.

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 4-0.

b. August and September Commission Meeting Schedule (Tedra Smith, Town Clerk)

c. Community Church Special Park Use Permits for October 1, 2016 and May 17, 2017 (Debbie Hime, Special Projects Coordinator)

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve 11b and 11c. Motion carried 4-0.

12. OLD BUSINESS

a. LBTS Fourth of July Overview of Events (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Hime reported that the largest crowd yet attended the Town's Fourth of July Parade. Online media and marketing were used to publicize events and information, and signs and banners were placed on buoys and at the Pavilion. She thanked Ambit Marketing for their assistance in promoting the events. Parade pictures have been posted on the Town's website, and web traffic tripled in comparison to the previous year.

Special Projects Coordinator Hime thanked all contributors to the event, the Broward Sheriff's Office (BSO), the Volunteer Fire Department (VFD), and Town Staff. She recognized Commissioner Oldaker's efforts in overseeing the holiday events.

It was noted that while all fireworks were shot, some older shells fired within 50% of the planned time frame instead of 100%. Town Staff is discussing this incident with the vendor.

13. NEW BUSINESS

a. Town Issued Cell Phones (Commissioner Buz Oldaker)

Commissioner Oldaker advised that after running for office earlier in the year, he still receives a high volume of text messages to his cell phone. Due to ethics considerations, he suggested that the Town provide cell phones for the Commissioners, which would be owned by the Town and used by the Commissioners while they serve their terms.

The Commissioners discussed the Item, with Commissioners Vincent and Sokolow noting that they had campaigned against this expense. Commissioner Sokolow proposed that the Town consider technological enhancements that would allow the Commissioners to send text messages from their Town-provided tablets. Vice Mayor Brown asserted that he would not carry a Town-issued cell phone if one was made available to him.

Town Manager Bentley noted that this Item may be included in discussions of the Town budget. It was determined that the Item would be brought back for additional discussion.

b. FY 17 Budget: Broward County Property Appraiser's July 1, 2016 Taxable Value Report (Lisa Fuentes, Finance Director)

Assistant Town Manager Tony Bryan reported that Town Staff has received the certified tax roll from the Broward County Property Appraiser. The report reflects approximately \$5 million in net new construction, which is offset by value adjustments. The existing tax base has increased by 6.87%. The rollback rate is 3.4977, which, if adopted, would increase budgeted revenue by roughly \$17,000, mostly due to new construction. If the Town retains its current millage rate of 3.7379, this would add approximately \$543,000 to the budgeted ad valorem revenue. He concluded that this is an informational Item, and a recommendation on the millage rate will be presented at the July 26, 2016 meeting.

c. FY 17 Budget: Chamber of Commerce Request (Lisa Fuentes, Finance Director)

Finance Director Lisa Fuentes stated that the Lauderdale-By-The-Sea Chamber of Commerce request for the fiscal year (FY) 2016-17 budget reduces last year's request by \$6848. The reduction is due to Sunday closures between the months of May and November.

Vice Mayor Brown stated that the Chamber of Commerce should consider promoting an Uber- or Lyft-related event in the Town that would provide discounts to visitors using these ride-sharing services. He suggested that the Town could help pay to advertise this event.

Courtney Stanford, President of the Lauderdale-By-The-Sea Chamber of Commerce, advised that the decreased request is subject to the Chamber's receipt of grant funds from the Convention and Visitors' Bureau.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, for the recommended budget amount, with the addendum to leave the discussion open in the event that CVB funds are not available. Motion carried 4-0.

d. FY 17 Budget: VFD Budget (Tony Bryan, Assistant Town Manager)

Assistant Town Manager Bryan stated that the VFD's increase is 1.4% over the FY 16 budget, or \$11,581. He thanked the VFD for its fiscal responsibility in keeping costs low.

The VFD also requests \$300,000 in capital spending, which is an estimated amount, as capital costs are not yet known. It will be used to purchase radio equipment to connect with the County's new digital 911 system. When this cost has been determined, the Item will be brought back before the Commission for approval.

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 4-0.

e. FY 17 Budget: Fire Assessment Fees (Tony Bryan, Assistant Town Manager)

Assistant Town Manager Bryan stated that the Town engaged a consultant, the Government Services Group, to conduct an analysis of its fire assessment fees. The last study was performed in 2007 and applied in 2008. It was noted that a rate reduction was implemented in 2013, and has remained the same since that time.

Since 2013, there has been a shift in call volume from residential to non-residential properties, which corresponds to a 3% reduction in residential rates and a 20% increase in commercial rates, based on call volume. The consultant suggests increasing rates by 8.6% in addition to this redistribution of costs. The result is a 5.14% net increase in residential rates and a 25.6% net increase in commercial rates. This would raise residential rates to \$129.85, which remains less than the rate from which it was reduced in 2013. The Town would retain the second-lowest residential rates and, with the 25.6% increase, would have the fourth-lowest commercial rates in Broward County.

The Commissioners discussed the Item, with Commissioner Sokolow observing that 25.6% seemed to be a steep increase for commercial properties. He proposed that this

increase be phased in over a three-year period. Assistant Town Manager Bryan estimated that the Town receives approximately six times more revenue from residential than from commercial properties.

Town Manager Bentley advised that the Town's consultant projects these higher fees to be in place for five years. If the commercial rate increase were phased in over three years, this would result in a greater increase in residential rates to make up the necessary amount.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve and for Staff to bring back a Resolution for the proposed fire assessment fee. Motion carried 3-1 (Commissioner Sokolow dissenting).

f. FY 17 Budget: Draft CIP (Bud Bentley, Town Manager)

Town Manager Bentley stated that this year's Capital Improvement Plan (CIP) focuses on rebuilding, as well as development of policies the Commission has included in the Five-Year Strategic Plan. The CIP will be discussed further at the Town's public budget hearings.

Vice Mayor Brown emphasized the importance of including all plans for the Town in the CIP, due in part to the Broward County sales tax issue that will be on the November 2016 ballot, which will allow municipalities to make infrastructure improvements with their portion of tax revenue. He also recommended the addition of a line item for an intermodal transportation facility, as these projects may be eligible for Broward MPO dollars.

Vice Mayor Brown clarified that an intermodal transportation facility means a facility at which multiple forms of transportation come together. He pointed out the intermodal nature of public transportation within the Town, including the Pelican Hopper, Sun Trolley service, and B-Cycle. Commissioner Sokolow noted that the Town's CIP already includes line items for a Town Hall complex, and cautioned that the addition of an intermodal transportation complex could be viewed negatively by funding entities.

14. COMMISSIONER COMMENTS

None.

15. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

- i. **Ordinance 2016-03 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO CREATE A HISTORIC PRESERVATION BOARD AND PROGRAM, AND TO AMEND DEFINITIONS, PROCEDURES, AND REGULATIONS RELATED TO HISTORIC PRESERVATION, ARCHAEOLOGICAL SITES, ARCHITECTURAL REVIEW, AND CONDITIONAL USES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

At this time Vice Mayor Brown opened public comment.

Jo Sesodia, Broward County Director of Planning and Development Management, advised that her agency oversees the County's historic preservation program. The County's program has been certified as a local government by the State of Florida. It is overseen by a nine-member Board with professional expertise in historic preservation, a dedicated Historic Preservation Officer, and an archaeological consultant. The program provides a full range of services at no additional cost to participating municipalities.

Edmund Malkoon, resident, stated that he did not believe a small town should undertake its own historic preservation program, as the County's program and panel of experts should be sufficient.

With no other individuals wishing to speak on this Item, Vice Mayor Brown closed public comment.

Development Services Director Linda Connors advised that when the Ordinance was approved on first reading, concerns were raised regarding the difference between the Town's proposed Ordinance and the County's Ordinance. The major differences include:

- The Town's Ordinance would require consent of the property owner prior to initiating the designation of an individual property as historic, while this consent is not a requirement of the County Ordinance;
- The Town's Ordinance would require board review of a historic designation, followed by a vote by the Town Commission, while the County's Historic Preservation Board would be the final authority of that program;
- The Town's Ordinance would require a Certificate of Appropriateness for designated properties and contributing structures within a historic district, while at the County level, a Certificate of Appropriateness would be required of all properties within a historic district.

Development Services Director Connors noted that there are also minor differences in definitions between the two Ordinances. Properties 50 years old or older meet the first level of qualification for a historic property designation. There is a concentration of older properties within the Town that would meet this specification; although not all may be appropriate for historic designation, it may be wise to have the properties surveyed to determine their level of importance and whether or not they may constitute a historic district. She concluded that Staff recommends approval of the Ordinance, and recommends that Staff research the costs of a Florida Site File survey.

The Commissioners discussed the Item, with the clarification that if the Town does not adopt its own historic preservation Ordinance, it is automatically covered under the County Ordinance; there is no option for the Town to opt out of the County's program, although when the County Ordinance was passed, the Town adopted a Resolution in opposition to it. If a property owner does not wish for his or her property to be designated as historic, the Town may not make this designation without the owner's approval.

Development Services Director Connors further clarified that while an individual property may be designated as historic, a collection of multiple property owners must provide 51% approval if they wish to be designated as a historic district. She noted that if the Town adopted its own Ordinance, it would work with Staff consultants who have expertise in the areas of architecture and historic preservation to ensure that there is sufficient collective knowledge of these issues.

Development Services Director Connors continued that the County Attorney has determined that the Town's Ordinance would meet the County's criteria for establishing its own historic preservation guidelines. The County's board, however, would not be available to the Town as a consulting reference for historic preservation applications. Town Attorney Susan Trevarthen added that all Town advisory boards must be made up of Town residents, although consultants may be hired to share their expertise with Town advisory boards.

Ms. Sesodia confirmed that if the Town elects to pass its own Ordinance rather than participating in the County program, it would not have access to the expertise the County may offer on this issue.

Vice Mayor Brown observed that he had voted in favor of the proposed Ordinance at first reading because it would uphold home rule; however, he has since determined that it is neither necessary nor advisable for the Town to pass its own historic preservation Ordinance, which would use the same guidelines used by the County to determine eligibility but would require additional devotion of Staff time to the review process. He pointed out that the Town has been subject to the County's Ordinance for the past two years, with no negative repercussions.

Ms. Sesodia advised that the County Ordinance has not considered the possibility of designating historic preservation districts, but only individual properties. She added that the County seeks approval from property owners before making a historic designation for a property, although there may be individual cases in which they may seek this designation over an owner's objection.

Ms. Sesodia continued that in addition to potential tax abatements related to historic property designations, the County program is eligible for grant funding that could be used to support projects within the County. The restrictions on the owner of a designated property would be the same whether that owner is covered under the Town or the County Ordinance. The State provides funding for projects within municipalities that do not have historic preservation Ordinances of their own, although this funding is limited to properties that are open to the public.

Development Services Director Connors noted that some property owners take pride in living in historic properties or districts. Having a Certificate of Appropriateness ensures that the owner will maintain the architectural integrity of the building. If an owner buys a property within a historic district without knowing about the existence of the district, however, the designation can be a drawback, as it may restrict the changes an owner may make to his or her property.

Commissioner Vincent stated that he felt the proposed Ordinance may be necessary to the Town because it requires a property owner's consent. He characterized the Ordinance as protective of an owner's property rights. Commissioner Oldaker agreed with this assessment, stating that adoption of the Ordinance was unlikely to present an additional administrative burden to the Town. Commissioner Sokolow felt the Town should act to protect its residents' individual rights.

Commissioner Sokolow made a motion, seconded by Commissioner Vincent, to defer to the July 26, 2016 meeting for further discussion. Motion carried 4-0.

16. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2016-25 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2015/2016 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A"; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2015/2016 FISCAL YEAR BUDGET AS AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE (Lisa Fuentes, Finance Director)**

At this time Vice Mayor Brown opened public comment, which he closed upon receiving no input.

Lauderdale-By-The-Sea
Regular Town Commission Meeting
July 12, 2016

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 4-0.

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

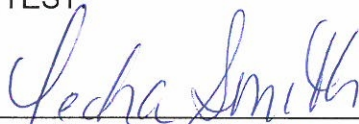
18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 8:40 p.m.

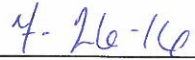


Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date